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there, do you think that he is angry? I trow not! There is a game going on between you and the nature of things, but it is a beautiful game, in which both mean the good and the true *on the whole*.

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CRIME AND SOCIAL RESPONSIBILITY.

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IT is in harmony with what one may perhaps call the *modern* growth of social consciousness that society becomes more and more concerned with the problem of the treatment of those of its members who fall below the accepted normal standard. The submerged tenth, the insane, the degenerate, the criminal, the problem of these abnormal factors of the social organism becomes more and more insistent with the advance in that order which is the expression of a higher consciousness—social in its inception, humanitarian in its activity. For it is this note of humanitarianism that would seem to distinguish the social instincts of the modern world. The conception of a social being which overrides with a stern imperative the desires and satisfactions of the individual is no new human concept. Egyptian, Jew, Greek and Roman were each in turn possessed by it. What is new, since possibly the French revolutionary era, is the extension of this social concept to all humanity, and even sub-humanity, and its impregnation with the spirit of humaneness.

I need not labor the point, for whatever we may say of the degenerate tendencies of the age, there never was a period in which the question, “Am I my brother’s keeper?” was met with so ready an affirmative.

We are astounded at the harshness, the cruelty, the indifference of the past; and some militant writers like the

Earl of Meath would have us believe that our astonishment arises from our growing feebleness. We have, he tells us, lost our "grit." But perhaps this grit, whose supposed loss he deplores, was but our dullness of spirit with its attendant cruelty; and a growing intelligence, a humarer social and human consciousness is the more reasonable explanation of the general revolt against harsh and brutal conditions, for ourselves and for others.

And this is peculiarly true in the realm of criminology. We cannot treat our criminals as we did; we have moved on. We realize our relationship to them as our fathers never did. We see the social, the moral, the economic factors which produce them, and we know that for these factors we also are responsible. "The criminal problem," says a writer in the *Nation*, "is at bottom not so much a penal as a social problem. And as we sense our responsibility we seek to understand the problem. How far are we, as a society, responsible and how far is the criminal individual to be blamed for his acts? And then, since he is there, what is to be done with him? For we are not only scientifically aware of our intimate relationship one with another, but as I have said, our modern social consciousness is instinct with the humanitarian spirit. But to answer these questions is no easy matter. Problems of social life, of economics, of ethics, of heredity, of free will, all have to be considered—in short, everything that bears on the study of human character and human relations.

To this end a considerable part of the work of the Ethological Society, or society for the systematic study of human character, gives assistance. A pamphlet recently published by Dr. Bernard Hollander, its president, well known as a brain specialist, entitled, "Crime and Responsibility," claims the attention of every thoughtful student of criminology.

To get at the root of responsibility for criminal acts we must consider the make-up of men. Thus there are the primary inherited feelings which find expression

through the brain organization. Whatever the ego, the real self, may be, for all practical purposes of social relationships the self is conditioned by the material organism through which it acts. It is somewhat appalling, indeed, to think how much character depends, as Dr. Hollander reminds us, "on physiological accidents." "Thus even a slight injury to the brain may totally change the character of a person; the habitual use of drugs and alcohol may change the disposition; long illness may cause a person to grow less sympathetic and gracious, and more selfish; moreover a small patch of inflammation in a man's brain may give him homicidal tendencies, while a little softening of a square inch of the cortex may make another a kleptomaniac."

Can the will overcome these adverse factors? Will power may be strengthened by training, but it is to be borne in mind that it "has no separate existence" of itself. "It is only a capacity of being so powerfully attracted by one motive that other motives become insignificant." "We do not," says Dr. Hollander "make deliberate choice; all that our judgment can do is to weigh the various attractions of several motives. The most powerful must certainly prove victorious."

How does this work out? It follows, says Dr. Hollander, in effect, that if we are not as some still suppose, born equally good or bad by nature, but that our characters depend on (1) our inherited primary feelings, and (2) our inherited will-capacity., *i. e.*, capacity of being predominantly attracted by this or that motive, then men have all degrees of moral capacity as they have of intellectual; and as you cannot expect or demand common sense from the mentally deficient, so you cannot ask for normal morality from the morally deficient.

The criminal is a morally deficient being. Is it, then, reasonable to punish him for his deficiency, for which deficiency he is not responsible?

The only excuse for punishment, strictly so-called, would be that the terrorism of punishment supplies a

powerful element in the "sum total of actuating motives." Thus it has a practical value to society which seems to justify it to Dr. Hollander. Punishment in this view becomes merely an expedient deterrent. It is not here justified on any ethical basis.

Dr. Hollander is justly severe on that absurd thing the legal test of insanity, *i. e.*, "knowing the difference between right and wrong." "The lunatic," he says, "knows the difference as well as we do." It is the very thing which often "drives him to despair." And then the idea of a hard and fast line between sane and insane has long since been given up by medical men. "Persons are to be met with of all stages between the normal and the profoundly insane." Large numbers of criminals are not admitted to be insane when convicted, but their insanity is proved later on. Thus in England one in every one hundred and twenty-six prisoners is certified insane, and one in eight comes of insane or epileptic parents. This, by the way, would of itself justify the abolition of the death penalty if our penology were based on scientific and moral grounds.

But there are many stages before we come to the certified insane. Every kind of weak-mindedness supplies its quota of crime. We go on believing in prisons, police and punishment for those derelicts of society—the mentally deficient—when they commit crimes, whilst leaving them beyond the age of sixteen, "to carry on their existence until the catastrophe occurs which could have been foreseen and ought to have been prevented, and then as a climax to our proceedings, we hang them to prevent further trouble and for the purpose of warning future evil-doers." Thus in Manchester board schools of forty thousand children, five hundred were found to be feeble-minded. The Manchester authorities provide special schools for and control these unhappy children until the age of sixteen, and then they are left to go their own gait. Thus society breeds its troubles in good truth.

The other classes of criminals, the *born* criminal with-

out moral sensibility—by-product of the slums, of the dregs of civilization; and the *accidental* criminal, product of adverse social and economic circumstances—of both of these types Dr. Hollander has much to say that is wise and fruitful, and his words are well illustrated by cases that have come into his hands as a medical man.

The born criminal, or as Dr. Hollander calls him, the professional criminal, is one “whose vocation is crime by a physical and psychical proclivity, a man in whom the selfish tendencies predominate over the moral and religious sentiments and altruistic motives, and whose intellectual powers instead of inhibiting such tendencies are employed to further them and to supply means for their gratification; moreover such men are usually not influenced by domestic affections, and much too insensible to the esteem of others to be prevented from committing crimes.” No doubt true enough, and yet on Dr. Hollander’s own showing it is society which is responsible for the production of such beings. Society must then find the remedy and the cure, which one can hardly believe lies in the direction of physiological operation such as some so strongly advocate in these days.

Little need be said of the accidental criminal. There is no way of getting rid of such but by ceasing to produce him. “Economic and social causes largely account for the production of this class of criminals. The rush of life, the competitive system, exciting pleasure, morbid literature, the wealth of the wealthy, the poverty of the poor, the frightful overcrowding of the masses, the continuous labor of married women, working right up to the day of their delivery, and working again within a week after their confinement; all these things help to call into life not only a race of beings who have neither moral nor physical strength, but also a large number of individuals who are subject to strange whims, delusions and uncontrollable impulses.”

All these types of criminals, indeed, tell us the same story of social responsibility and of the great need for

study and experiment in penological treatment. No doubt as time goes on Dr. Hollander will give us more of his experience and suggestive thought on this question. His conclusion that "crime calls for intelligent and scientific treatment," will be generally admitted, and also very largely his further conclusion that the public will in the future "look to the physician . . . for the differential diagnosis between the curable and the incurable criminal." Indeed there is only one fault to be found with his attitude, and that is its tendency to be too purely a scientific one. For beside physiology and experimental psychology, beside economic and strictly medical questions, lie others of psychic and spiritual import bearing on this question of crime and responsibility. Dr. Hollander does not touch on these, and yet how can they be ignored and satisfactory methods adopted? I do not know Dr. Hollander's ideas in these directions, but there is always a fear lest the medical criminologist, particularly the brain specialist, be led away by the idea that "brain secretes dog's soul," and man's too. There is just the fear that in the consumingly interesting study of the brain organization and the bearing of this study on the problem of crime, we may lose sight of the being whose organ the brain is; may tend, that is, to think too much of the materialistic view. "The public will look to the physician," true, but for the sake of a just and broadly human line of action it is to be hoped not exclusively to the physician. For after all the physician is not even an expert in the realm of ethics. And each age develops its morality. A scientific and medical priesthood is no more desirable than a theological one. We can but resolve, each of us, to live in the whole the good and the beautiful, and to apply this resolve to the settling of the lines of social action in their application to the criminal, conscious that here, indeed, we are very specially our brother's keeper.

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